

Patent Application
Docket No. P14707US1

REMARKS

Applicants thank the Examiner for his report. Reconsideration of the restriction requirement is respectfully requested in view of the following remarks. Claims 1-14, 33-37 and 42-55 are currently pending in the application.

Three groups of claims were identified in the pending application.

Group I: claims 1-14;

Group II: claims 33-37; and

Group III: claims 42-55.

The Applicants traverse the rejection. However, in order to provide a complete reply to the pending restriction requirement, Group II consisting of claims 33-37 is hereby elected with traverse.

Claims 33 and 42 are currently amended to indicate that the accounting manager sends a service credential to the User via the data communications network and a user credential to the Service Provider via the data communications network following reception of the service credential request.

The Examiners argues that Groups I, II and III are distinct (MPEP § 806.05(e)). MPEP § 806.05(e) requires that “(A) the process *as claimed* can be practiced by another materially different apparatus or by hand; or (B) that the apparatus *as claimed* can be used to practice another materially different process.” [emphasis in original]. The Examiner notes that “the process [of claim 1] may be practiced by a materially different apparatus not validating or sending an account message from a user”. The Applicants would like to point out that claim 1, as it stands now and as it stood before the Examiner’s report, does not mention steps of validating or sending an account message from a user. Thus, in accordance with MPEP § 806.05(e), the Applicants respectfully requests withdrawal of the requirement.

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The following is taken from the MPEP § 802.01 II DISTINCT:

“Two or more inventions are related (i.e., not independent) if they are disclosed as connected in at least one of design (e.g., structure or method of manufacture), operation (e.g., function or method of use), or effect. Examples of related inventions include combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc. In this definition the term related is used as an alternative for dependent in referring to inventions other than independent inventions.

Related inventions are distinct if the inventions *as claimed* are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is PATENTABLE (novel and nonobvious) OVER THE OTHER (though they may each be unpatentable over the prior art). See MPEP § 806.05(c) (combination and subcombination) and § 806.05(j) (related products or related processes) for examples of when a two-way test is required for distinctness.

It is further noted that the terms “independent” and “distinct” are used in decisions with varying meanings. All decisions should be read carefully to determine the meaning intended.” [underline emphasis added].

Accordingly, the Applicants submit that Groups I, II and III are not distinct as they all share common design, operation and effect at least as shown by the limitations of claim 33, which are also present in both claims 1 and 42.

The Examiners also argues that Groups II and III are distinct (MPEP § 806.05(j)). MPEP § 806.05(j) requires that “the inventions *as claimed* do not overlap in scope, i.e., are mutually exclusive” [emphasis in original]. The Applicants submit that all features of claim 33 are comprised in claim 42 and, thus, that there is an overlap in the scope of claims 33 and 42.

Claim 33 recites an Accounting Manager in a data communications network that further comprises a User and a Service Provider. The Accounting Manager comprises a communication unit. Claim 42 recites a system for charging in a data communications network further comprising a User, an Accounting Manager and a Service Provider that provides at least one service.

The following table shows that all aspects of claim 33 are comprised in claim 42. It could also be noted that all features of claim 33 are also present in claim 1 (not explicitly shown herein below).

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| 33 | 42 |
|--|--|
| The communication module of the accounting manager receives a service credential request from the User via the data communications network | The Accounting Manager receives a service credential request from the User via the data communications network |
| The communication module of the accounting manager, following reception of the service credential, sends a service credential to the User via the data communications network | The Accounting Manager, following reception of the service credential, sends a service credential to the User via the data communications network |
| The communication module of the accounting manager, following reception of the service credential, sends a user credential to the Service Provider via the data communications network | The Accounting Manager, following reception of the service credential, sends a user credential to the Service Provider via the data communications network |
| | The service provider receives a service request from the User, the service request being based on information sent in the service credential |
| | The service provider validates the service request, using information from the user credential |
| The communication module of the accounting manager receives an accounting message from the Service Provider via the data communications network | The service provider sends an accounting message to the Accounting Manager |
| | Wherein the sent accounting message relates to the at least one service |
| wherein there exist a first electronic security association between the User and the Accounting Manager and a second electronic security association between the Service Provider and the Accounting Manager | wherein there exist a first electronic security association between the User and the Accounting Manager and a second electronic security association between the Service Provider and the Accounting Manager |

Thus, in accordance with MPEP § 806.05(j), the Applicants respectfully requests withdrawal of the requirement.

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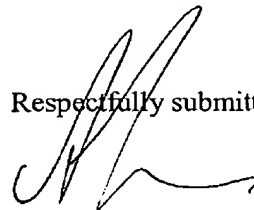
CONCLUSION

In view of the foregoing, Applicants submit that the application is now in condition for favourable action.

Should the Examiner wish to discuss the present amendment or present patent application, he is invited to contact the undersigned at (514) 345-7900 ext. 42596 (extension recently changed).

Dated: Aug. 2, 2006

Respectfully submitted,



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